

REMARKS

Definiteness

The indefiniteness rejection to the claims concerning the internal cavity is addressed herein by amending claims 1 and 13 to recite that the housing (or base) and cover defines the cavity. As can be seen in Fig. 4, cover wall 24 along with the housing wall 18 defines a cavity 16. Pending claims 7 and 9-11 were not otherwise rejected and are thus believed to be allowable.

Non-obviousness

Claims 1-2, 4-6 and 12-13 were rejected as obvious either in light of Pleasants or Pleasants, Shuyler and Bitrex. Claims 1 and 13 (thus all pending claims) are hereby amended to recite a portion of allowable claim 9 subject matter that relates to the package itself being an attractant. Paragraphs 16 and 39 of the specification, for example, further support this recitation.

As recognized by the absence of the art rejection for claim 9, the cited art is deficient in showing packaged bait structures with removable covers where the package itself includes the attractant, so that a rodent will be encouraged to eat through the package to get to the poison. The device will thus perform without the need for an access opening exposing the poison. None of the cited references teach or suggest such a structure sufficiently to render obvious the invention as now claimed.

In light of this, the subject matter regarding the configuration of the housing and the adhesive in the previous version of claim 1 has been removed from claim 1 as now amended and recast in amended dependent claim 2.

Conclusion

In view of the above amendments, and the remarks above, reconsideration and allowance of amended claims 1, 2 and 4-13 is respectfully requested. No additional fee is believed to be needed for consideration of this amendment.

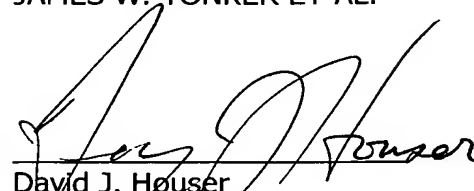
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However, if one is, please charge Deposit Account 10-0849 for the amount of the fee.

Respectfully submitted,
JAMES W. YONKER ET AL.

Dated: 12 Jan '05

By:

A handwritten signature in black ink, appearing to read "David J. Houser", is written over a horizontal line.

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